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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,352

Applicant(s)

RAWLINGS, TIMOTHY W.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Withdrawn Rejections

1. The 112 rejection of claims 1 and 18 in Paper 33, Page 2, Paragraph 2 is withdrawn due to Applicant's amendment in Paper #4.

Repeated Rejections

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3, 5, 6, 9, 10 and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tataryan et al. (USPN 6,136,130).

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), and they are inherently formed in a discontinuous line of

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perforations with intermittent non-perforated areas (Figure 1, #24). The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7).

In regards to the limitations of the ties and non-perforated sections, the claim is viewed in the broadest sense, and therefore the ties and the non-perforated sections may have the same length at any time in the invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 8 and 11 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976).

Tataryan et al. discloses the claimed printable substrate with a line of perforations that extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and

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flexibility (Column 4, lines 47 – 57), therefore it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforations with intermittent non-perforated areas where the length of the non-perforated section is 20% of the width with areas of microperforations of equal length. However, Tataryan et al. fails to disclose the printable substrate being a form with removable labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated sections have a length from 1 to 5 mm.

Popat et al. teaches to fold lines formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50 and Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in a card stock material with preprinted indicia in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path as taught by Popat et al.

6. Claims 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. in view of Janssen (USPN 3,547,752).

Tataryan et al. discloses the claimed invention except for the non-perforated sections on the fold line are of different lengths and are spaced unevenly along the fold line, non-perforated sections are positioned on the fold line so as to be aligned with feed rollers of a preselected printer and the non-perforated sections from 2 cm to 10 cm are positioned on the fold line within 1 to 3 inches of each edge of said printer medium to be aligned with printer rollers of a printer.

Janssen teaches a variety of different perforations and non-perforations including non-perforated being different lengths and spaced unevenly (Figure 6, #21 and 22) in a sheet (Column 1, lines 14 – 19) that is printed with indicia (Column 1, lines 35 – 36) for the purpose of giving the sheet flexibility to conform to the curvature of the curved platens in different printing machines.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the non-perforated sections on the fold line are of different lengths and are spaced unevenly along the fold line, non-perforated sections are positioned on the fold line so as to be aligned with feed rollers of a preselected printer and the non-perforated sections from 2 cm to 10 cm are positioned on the fold line within 1 to 3 inches of each edge of said printer medium to be aligned with printer rollers of a printer in Tataryan et al. in order to

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give the sheet flexibility to conform to the curvature of the curved platens in different printing machines as taught by Janssen.

Response to Arguments

7. Applicant's arguments filed regarding the 102 rejection of claims 1 – 3, 5, 6, 9, 10 and 17 – 19 as anticipated by Tataryan et al. in Paper #3 have been fully considered but they are not persuasive.

In response to Applicant's argument that Tataryan et al. give no indication that the individual cuts can be individual microperforations or a discontinuous line of microperforations spaced with intermittent non-perforated portions, the claims of the application were examined using the broadest reasonable interpretation of the claimed material. During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification." See *In re Hyatt*, 211 F.3d 1367,1372, 54 USPQ2d 1664, 1667 (Fed Cir. 2000). There are no limitations in the claim stating that the non-perforated portions and the ties have the same length in between the individual perforations, therefore the printable sheet of Tataryan et al. with its perforations reads upon the claimed article. The prior art clearly states that the fold line is formed from a line of perforations (Column 4, lines 27 – 28).

8. Applicant's arguments filed regarding the 103 rejection of claims 4, 7, 8 and 11 – 13 over Tataryan et al. in view of Popat et al. in Paper #3 have been fully considered but they are not persuasive.

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In response to Applicant's argument that Popat et al. give no indication that the individual cuts can be individual microperforations or a discontinuous line of microperforations spaced with intermittent non-perforated portions, the claims of the application were examined using the broadest reasonable interpretation of the claimed material. During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification." See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed Cir. 2000). There are no limitations in the claim stating that the non-perforated portions and the ties have the same length in between the individual perforations, therefore the printable sheet of Popat et al. with its perforations reads upon the claimed article. The prior art clearly states that the perforations are microperforations (Column 3, lines 40 – 46 and Column 8, lines 46 – 49) and that the strip receives print from a printer (Column 3, lines 51 – 52). Since both Tataryan et al. and Popat et al. are made from the same materials, i.e. cardstock, it is inherent that Popat et al. would be able to be folded and unfolded.

9. Applicant's arguments filed regarding the 103 rejection of claims 14 – 16 over Tataryan et al. in view of Popat et al. in Paper #3 have been fully considered but they are not persuasive.

In regards to Applicant's argument that there is no motivation to locate non-perforated sections to be in line where the feed rollers engage the substrate, the limitation is viewed as being a product by process limitation and is given no patentable weight unless there is an unforeseen unexpected result due to the placement.

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In regards to Applicant's argument that the prior art fails to suggest that microperforations can weaken a substrate to provide only a fold line and not a line of separation, Janssen clearly states that kerfing lines can be formed in the sheet material to bend the material (Column 3, lines 29 – 31), wherein the lines can have a variety of patterns as shown in Figure 6 (Column 3, lines 40 – 47).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (703) 306-5480. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

9/29/03